

CITY CLERK
HONOLULU, HAWAII

Mar 2 / 05 PM '05

February 18, 2005

Honolulu City Council
Room 202, 530 South King St.
Honolulu, Hawai'i, 96813. Fax 808-527-6910

RECEIVED

**RE.: RESOLUTION 05-019 APPROVING THE SALE OF AN EASEMENT
WITHIN NU'UANU PALI DRIVE FOR A PRIVATE WATERLINE FOR FIRE
PROTECTION PURPOSES.**

To the Members of the Honolulu City Council,

We the undersigned urge you to oppose Honolulu City Council Resolution 05-019, which approves the sale of an easement within Nu'uana Pali Drive for a private waterline for fire protection purposes for the following reasons:

Preservation of Archaeological and Culturally Sacred Sites

1. Kaniakapūpū, the famous summer residence of King Kamehameha III sits on Luakaha, in upper Nu'uana valley is known to be originally Crown lands. This important archaeological and historic site is located just mauka of the Robert Midkiff property (Tax Map Key No. 2-2-55:4).
2. This archaeological site pre-dates the Kamehameha Dynasty as an ancient heiau, and was the location for the final stand of O'ahu chiefs in the battle of Nu'uana, in which Kamehameha unified the Hawaiian Islands. It is at this very locale this concept of ea, (life, sovereignty) was consolidated and a Hawaiian national identity was born.
3. In the 1840 s, Kamehameha III, Kauikeaouli built his summer home on this land area on the advice of a prophet named Lū'au-nui-a-lepokapō, who warned him that he was in danger of losing his Kingdom to foreign powers. By February of 1843, the prophet's prediction proved correct as Kamehameha III was forced to cede the Hawaiian Islands under protest to the British Government over a land dispute.
4. On July 31, 1843 under the direction of the Queen of England, Admiral Thomas restored the sovereignty of Hawai'i back to Kamehameha III. It is during this time that Kaniakapūpū becomes the setting for one of the most interesting events in Hawaiian history, with the declaration of Sovereignty Restoration Day or Lā Ho'ihō'i Ea- Kaniakapūpū was the location of the largest 'aha 'aina, or celebration feasts in Hawaiian history that took place on July 31, 1843, with an estimated ten thousand people in attendance. This event was commemorated four years later on the same day in 1847 with an even larger turn out.

200 SIGNATURES

Petition No.

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5. By this time it became clear to Kamehameha III, Kauikeaouli, that the prophet was correct in telling him to build his home on this location. By having his sovereignty restoration celebration here, people were reminded of his status and the accomplishments of his father. Also, by making wise decisions in a critical moment in history he strengthened public opinion of himself and restored the faith of the people in the government.
6. It is during this time that he said the famous words “**Ua mau ke ea o ka ‘āina i ka pono**,” meaning the life of the land is perpetuated by pono. Pono is a concept that encompasses a larger idea of “**correct behavior**.”
7. Today Kaniakapūpū is a symbol of hope for our people that we will one day end the occupation of the U.S. over our homeland and again be recognized as an independent state. Under the stewardship of ‘Aha Hui Mālama o Kaniakapūpū, this historically significant site has been incorporated into and used by many educational programs which include but are not limited to Kamakakūokalani Center for Hawaiian Studies, Kua‘ana Student Services, Kamehameha Schools, Hālau Kū Māna, Nā Pua No‘eau: Center for Gifted and Talented Hawaiian Children.
8. This historically significant site is located just mauka of the waterline easement of concern. Because of its layered history, it is important for us to protect and preserve integrity of this sacred site as a whole, including the heiau foundations, historical architecture, dry stone masonry walls, pits, wailele (waterfall), ki‘owai (pond), burial mounds, and regain proper kanaka maoli access and practitioner use of the grounds.

Violation of 1989 Land Use Commission

1. Hui Mālama has filed a legal case before the Hawai‘i Supreme Court regarding the subdivision and whether the Midkiffs have satisfied all the conditions imposed by the Land Use Commission and City & Council of Honolulu’s Unilateral Agreement Declaration of Condition Rezoning from Watershed designation to Residential. **Various Land Use Commission and City Unilateral Agreement conditions have been violated.** The violated conditions are as follows:
2. The Midkiffs who own the adjacent property has requested to purchase an easement nearly 2,000 sq. ft. of public land spanning Nu‘uanu Drive Pali, for a private waterline represented that they would subdivide their property for family purposes, but instead have **placed the property on the commercial market**. This intent was clearly shown in a March 2003 website advertisement for open sale of half-interest of 2.3 acres of this property for \$12 million. Higher 2005 assessments place the market value of this half of the property at only 3.9 million.

3. Such sales for commercial profit violate the Midkiff's agreement with the 1989 Land Use Commission's ruling and the City Councils Conditional Agreement that the property was to be subdivided only for **homes of the owner's children**.
4. The property owners' application for subdivision did not meet the 2-year requirement after the date of the rezoning ordinance.
5. The application property owner's 1995 archaeological survey and report have **serious flaws** according to noted Hawaii archaeologist Dr. Kehau Cachola-Abad.
6. The property owners **did not meet** the City & County of Honolulu's park dedication requirement.
7. Approval of the sale of this easement will **send the wrong message** to the court that the City Council is validating the subdivision and the Midkiffs have satisfied all conditions imposed by the Land Use Commission.
8. Former Mayor Jeremy Harris' administration circumvented the legal process of approving sale of the easement within Nu'uuanu Pali Drive, per the legal counsel of the City Council in the Office of City Council Services. Easement approval must be deliberated and granted by the City before permitting the installation of a waterline by the Department of Planning and Permitting, a City administrative agency. **A violation of this process leaves the City and County of Honolulu liable to be sued.**

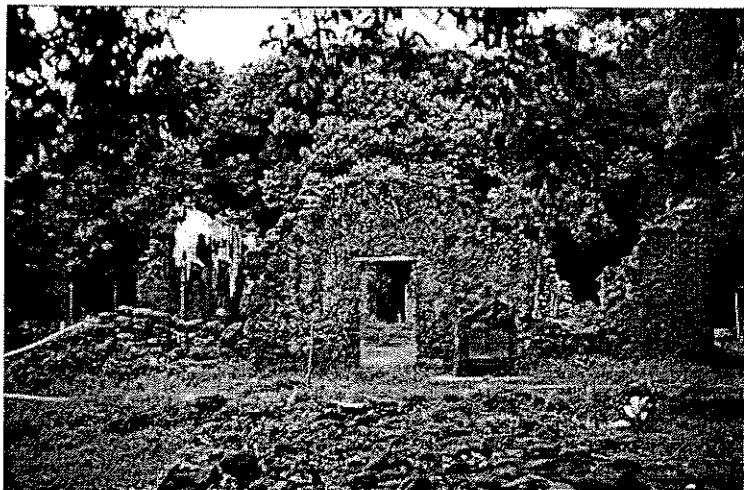
We feel that the Midkiffs have misrepresented their reasons for request to purchase the easement and did not follow the correct procedures required by law. By selling this easement, it will aid in the commercial development of this area and in turn affect the well being of a historical and cultural site held sacred by the larger community. A letter has been sent per Ho'omalu i ka 'aina o Nu'uuanu to Mr. Henry Eng, director of the City & County of Honolulu's Department of Planning and Permitting requesting an investigation for apparent violations for the City's Conditional Agreement for subdivision.

For these reasons, we are humbly asking you to oppose Resolution 05-019.

Respectfully,

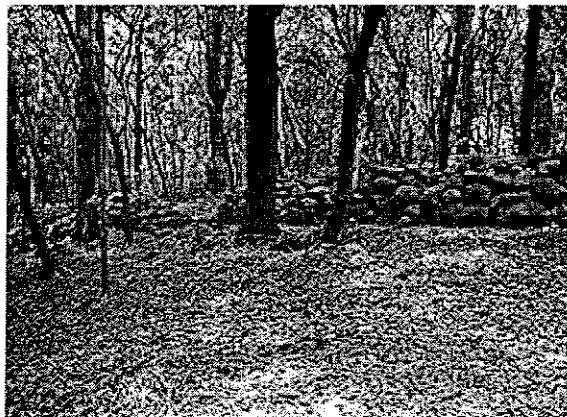
[The undersigned petition as listed]

-SCOTT KIKILOI

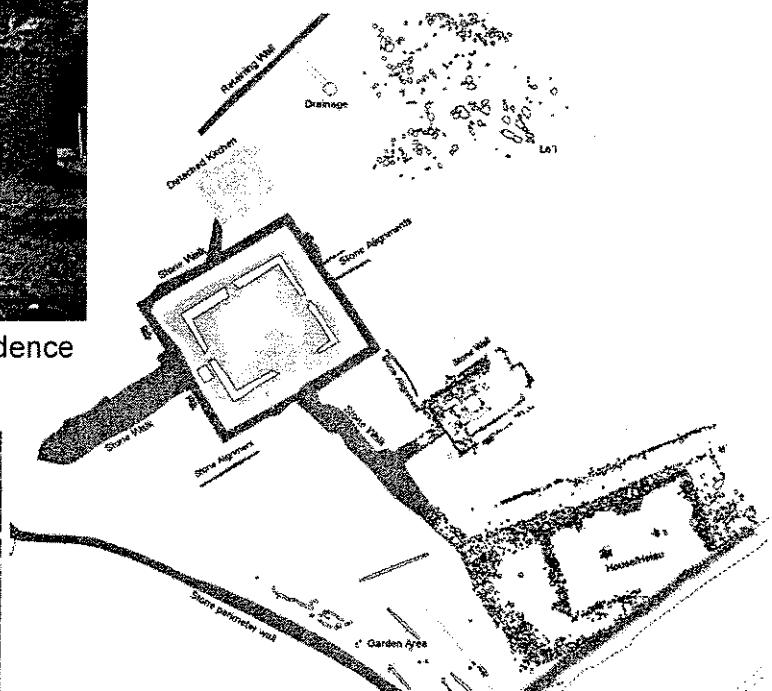


Kaniakapūpū

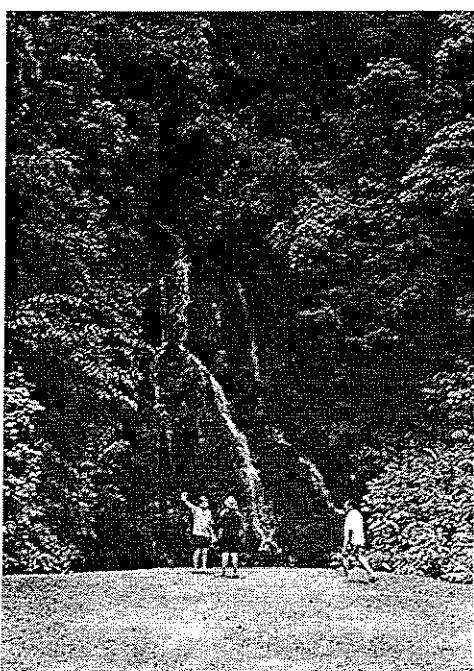
Kaniakapūpū, Kamehameha III's Summer Residence



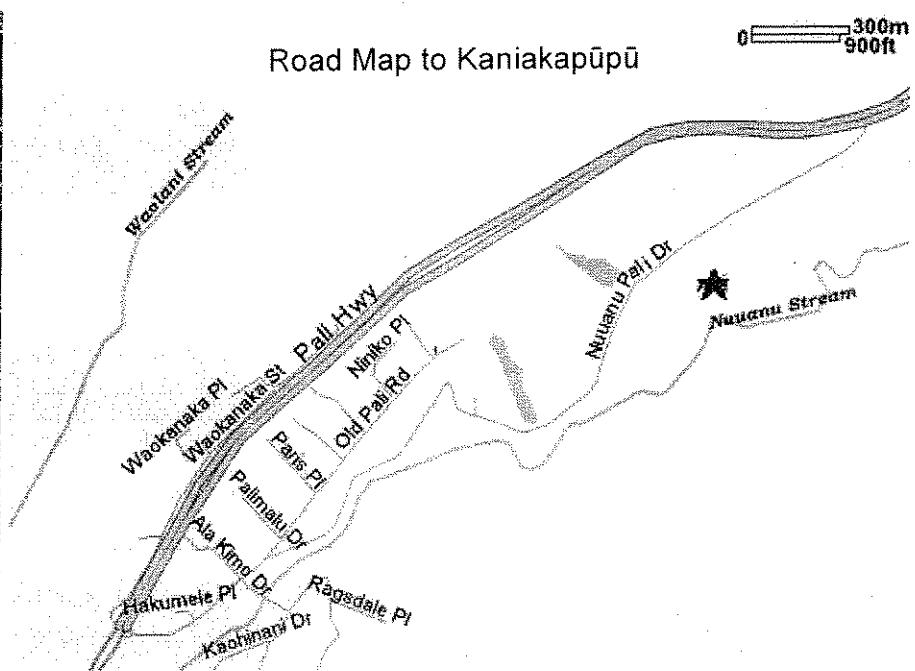
Part of the Extensive Heiau Complex



Map drawn by Archaeology Field
School students in 1999



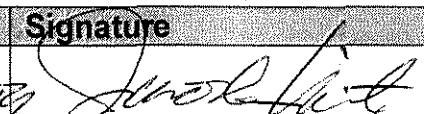
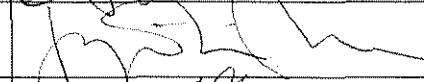
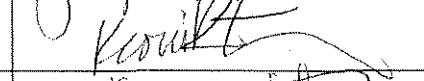
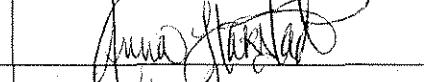
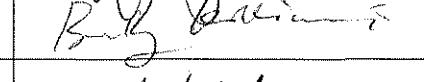
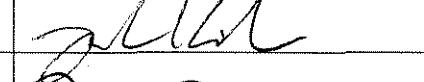
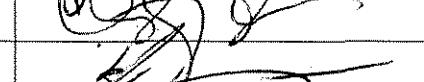
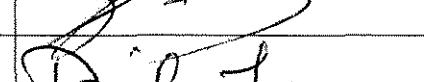
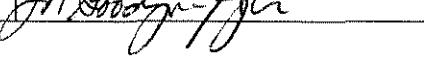
Luakaha Falls



We, the undersigned, oppose Honolulu City Council Resolution 05-019 regarding the sale of an easement within Nu'uana, on Pali Drive.

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Kaleikauikavekiu Kuroda	Kaleikauikavekiu Kuroda	2009 Oahu Ave. Koolauloa, HI 96732	
Anson Keoni Onishi	Anson Keoni Onishi	3358 Kahawalu Dr Honolulu, HI 96817	
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Tiani Akeo	Tiani Akeo		

We the signed below are in opposition of Honolulu City Council Resolution 05-019 regarding the sale of an easement within Nu'uana, on Pali Drive.

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We the signed below are in opposition of Honolulu City Council Resolution 05-019 regarding the sale of an easement within Nu`uanu, on Pali Drive.

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We the signed below are in opposition of Honolulu City Council Resolution 05-019 regarding the sale of an easement within Nu'uana, on Pali Drive.

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Avril Jenkins	Avril Jenkins	Sime →	
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We the signed below are in opposition of Honolulu City Council Resolution 05-019 regarding the sale of an easement within Nu`uanu, on Pali Drive.

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LOVELL KAOPUA	Lozell Kaopua	—	—
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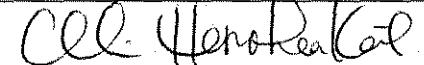
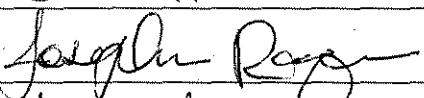
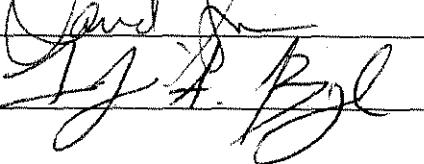
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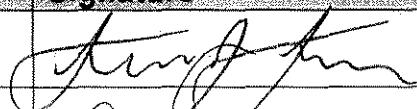
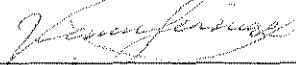
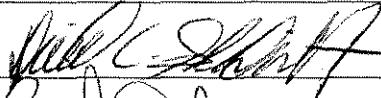
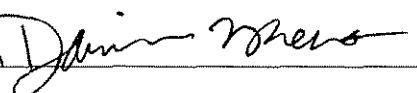
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Name	Signature	Address	Email
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Karl Nuuanu	Karl Nuuanu	275 Aunaidlime St. #223	kauoa@hawaii.edu
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Gary Collins Jr.	Gary Collins Jr.	—	—

We the signed below are in opposition of Honolulu City Council Resolution 05-019 regarding the sale of an easement within Nu'uana, on Pali Drive.

Name	Signature	Address	Email
Kaipo Martinez	Kaipo Martinez	44 Iholohlo Pl. Waiaina, HI 96786	rachelkma@hawaii.rr.com
Shoke Fagerstrom	Shoke Fagerstrom	P.O. Box 80 P.City HI 96782	
Kaichi Kahaunaele-Contrades	Kaichi Kahaunaele-Contrades	3263 A Lincoln Ave Honolulu HI 96814	
Lehuahui Matanabe	Lehuahui Matanabe		
Kehaulani Oyama	Kehaulani Oyama	1300 Waialae Ave	
Robert Kempton	Robert Kempton	Honolulu, HI 96816	
Keonilei Fairbanks	Keonilei Fairbanks	Kaiwa, HI 96734	
Ikaika Soares	Ikaika Soares	607-234 Forrengton Hwy Waialae, HI 96791	
Chip Young	Chip Young	5242 S Union	
ARMAND NIREDE	Armand Nirede	6320 MUNN KALI DR 40 HNK, HI 96825	A-NYIB93@ yahoo.com
Keli'i Collier	Keli'i Collier	99-SSS Hoken St.	
Sela M. Hubbard	Sela M. Hubbard	99-407 Ae'a Hsgn	

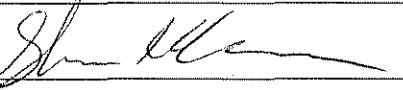
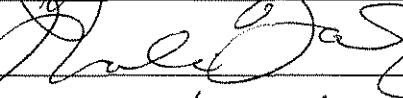
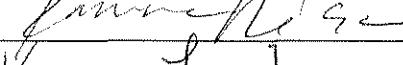
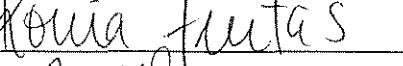
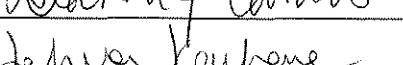
We the signed below are in opposition of Honolulu City Council Resolution 05-019 regarding the sale of an easement within Nu`uanu, on Pali Drive.

Name	Signature	Address	Email
Kaly Brooks-Richards	Kaly Brooks-Richards	704 Lunalilo St. #16 Honolulu HI 96802	Kaly@panu.org
Hauoli Busby	C Hauoli Busby	2535 Alaka'i Way C-3, Honolulu HI 96822	busby@hawaii.edu
Haukipua Baker	Haukipua Baker	46-318 Haiku Rd, Kaneohe HI 96744	
Iris Kahohe	Iris Kahohe	816 (Box A), Manulele, Waianae HI 96792	Kahohe@msn.com
Lihau Hanohano	Lihau Hanohano	45-4EA Sierra Dr., Honolulu HI 96816	Kelikoli@hawaii.edu
Kualoha Horanawahui	Kualoha Horanawahui	3465 Kanaina Ave, Honolulu HI 96815	kualoha@hawaii.edu
Maluhia Rang	Maluhia Rang	304-1308 Nakua St. Honolulu HI 96819	choalae@gmail.com
Patricia Goddard	Patricia Goddard	719-6 Maunalani Cr, Honolulu HI 96816	claytong74@gmail.com
Kawailimai Kamapuahe	Kawailimai Kamapuahe	411-140 Kaneko Dr. Honolulu HI 96744	
Kramo Gove	Kramo Gove	2423 Kaimana Rd, Honolulu HI 96816	
Duke Kaninui	Duke Kaninui	1113 Davenport HI 96822	
Alohi Ae'a	Alohi Ae'a	1335 Mukai Koa St. HI 96821	alohi@yahoo.com

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Name	Signature	Address	Email
D. Kainani Kahaualele (Kainani Kahaualele)	422 Waiaukai Ave	110111 96720	Kainani.k@lekiuh.hawaii.edu
Amy Monceaux	Congratulations	Po Box 4942 KAHOOHE 96744	
William L. Walters	William L. Walters	72 Dowsen Ave 96817	walters@hawaii.edu
Debra Kaiama	Debra	1486 Akeke Pl. Kailua 96734	debra.k@yahoomail.com
K. Kapā Oliveira	K. Kapā Oliveira	2488 Kapiolani Blvd #102	katrina.o@hawaii.edu
Mehaha Kaiama	Mehaha Kaiama	1486 Akeke Pl	96734
Pearl Kaiama	Pearl Kaiama	1486 Akeke Pl KAILUA HI 96734	
Midge Wright	Midgeka L. Wright	39 Hialoa St. #102 96817	hawaiigiga@gmail.com
Mary Kaiama	Mary Kaiama	1486 Akeke Pl Kailua	
Jan Lindsey	Jan Lindsey	2806 A Booth Rd. Hon	mavizi@hawaii.vu.com
LINER WRIGHT	Liner Wright	2122 TANTALUS DR. 96813	HONI HI THE BLACK HAWAIIAN & HAWAII PR. 2021
Nani B. K. Ross	Bonnie K. Ross	2309 Mamane Pl 96822	

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Name	Signature	Address	Email
Kin Kini Suwa		92-822 Wainohia St.	suwa@hawaii.edu
Shane COBB-ADAMS		2509 Alaoa Way Honolulu HI 96822	SCOBBAH@Hawaii.edu
IMAI WINCSTER		94-502 HEKUULUHI MILILANI 96754	ianuuli70@gmail.com
Malia Dowling		1286 Puaalohoa St. Kailua HI 96734	Smalied@yahoo.com
Arlieckla Moreno		4136 A Black Point Rd. 96781 + (808) 736-1111	paugmoreno@yahoo.com
Marioz Am		46-274 AHALI NANI PL. KANEKO 96744	anoehawaii.edu
Kawoa Nelson		46-274 AHALI NANI PL. KANEKO 96744	
Kouia Freitas		99-1040 PUUNAKAWI ST. AICA	antoinet@hawaii.edu
Stapp Johnson		1639 Kamole St. Honolulu 96821	
Kaliko Barker		46-378A IAIKI RD. #26 96744	butilo2006@yahoo.com
Kalua Cavaco		827 Waiaka Rd #36 HON #11 96826	kaluahonu@cs.com
Lehua Ka'uhane		41-120 Kulaiwi St. Waimanalo 96795	Lehuakauhane@hawaii.edu

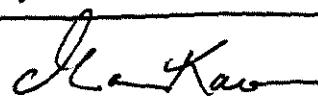
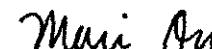
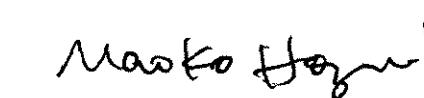
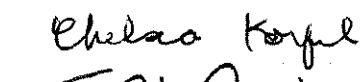
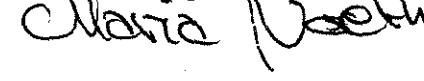
We the signed below are in opposition of Honolulu City Council Resolution 05-019 regarding the sale of an easement within Nu`uanu, on Pali Drive.

Name	Signature	Address	Email
Anele Nacapay	Anele Nacapay	46-114 Nahewai Pl. Kaneohe, HI 96744	kzanele@yahoo.com
Willy Kauai	willy kauai	1635 Linohilio St Honolulu, HI 96822	Kauai@u.n.h.edu
Kealoha	Kealoha	2494 Kapiolani Honolulu 96822	kp
Gawith Kalauhi	Gawith Kalauhi	PO BOX 23343 Hon HI 96823	ekalauhi@hawaii.edu
Laura H Edwards	Laura Edwards	38 NiniKi Circle Honolulu, HI 96821	hokublbe@hotmail.com
Kahale Sato	Kahale Sato	2355 Opehu St. Honolulu, HI 96816	kahale16@yahoo.com
KANDA CASTRO	Kanda Castro	2920 DATE ST APT 7 Honolulu HI 96826	randc@hawaii.edu
Grant Ogata	Grant Ogata	95-1119 Hookipa St. Mililani, HI 96789	gao808@hotmail.com
Stefanie Sullivan	Stefanie Sullivan	2585 Dole Street C140 Honolulu HI 96822	SMSullivan@hawaii.edu
Kaeo Piante	Kaeo Piante	9834C Kalili St Honolulu HI 96819	dmarstek@hawaii.edu
Kalika Wong	Kalika Wong	3046B Monserrat Ave. Honolulu HI 96815	jafong@hawaii.edu
Kainoa Wong	Kainoa Wong	3046B Monserrat Ave. Honolulu HI 96815	mkwong@hawaii.edu

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Name	Signature	Address	Email
Jaynel Uchino	Jaynel A. Uchino	2847 Waialae Ave #308 Honolulu, HI 96826	
Jami & Hotufan	Jami & Hotufan	2322 P2 Kalihi St. Honolulu, HI 96819	jhotufan@hawaii.edu
Ron Solis	Ron	2148 Komo Mai Drive Pearl City HI 96782	rsolis@hawaii.edu
Kendrah Gallardo	Kendrah	268B Hale Aloha Makahana Honolulu	gallardo@hawaii.edu
Sydney Coelho	Sydney R Coelho	85-1229 Kaimairo St Waianae HI 96792	tinaino86676@gmail.com
Marzieh Maghaddam	Marzieh Maghaddam	2583 Dole St. #289A Honolulu, HI 96822	mrzieh@honolulu.cty.hi.us
Adelina Reyes	Adelina Reyes	2579 Dole St. 663B Honolulu HI 96822	reyesam@hawaii.edu
KEOLA NAKANISHI	Keola Nakanishi	1324A St Louis Hldg, Hn, 96816	
JULIAN NAKANISHI	Julian Nakanishi	" " "	
JESSE NAKANISHI	Jesse Nakanishi	" " "	
Noelle Takemoto	Noelle Takemoto	809 Isenberg St. Honolulu, HI 96826	noelle.takemoto@yahoo.com
Keli'i Kotubetey	Keli'i Kotubetey	P.O. BOX 1648 Kailua HI 96734	ahonui78@hotmail.com

~~10~~ resolution 05-19 which allows
the sale of an easement in Nu'uana Pali to Midkiff
family to assist in speculative development

Name (print + sign)	email or address
Manu ka'aima 	kaaima@cba.hawaii.edu
Mari Ono 	mariono@hawaii.edu
NAOKO Hozumi 	nhozumi@hawaii.edu
Azusa Yamamoto 	azure_music517@hotmail.com
Piawe Lobre 	H 10 25 Mauna Ihi Pl. HD Honolulu 96822
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Maria Noeth 	2748 Kapiolani Apt 2
Toshiaki Furukawa	marie.noeth@web.de 2942 Date Street Apt 7 96816 Honolulu, HI adelaidelife@hotmail.com